

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. 10/646,950

Customer No. 23379

Applicant: Jasper D. Rine

Confirmation No. 2061

Filed: Aug 21, 2003

Group Art Unit: 1652

Docket No. B96-021-6

Examiner: Ramirez, Delia M.

Title: *AFC1 and RCE1: Isoprenylated CAAX
Processing Enzymes*

PETITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

I petition the Commissioner to void the Notice dated Jan 17, 2007 in this application. In the alternative, I petition the Commissioner to afford our Response filed Sep 12, 2007 the filing date of our Transmission made Feb 05, 2007 supplemental to our Response filed Oct 01, 2006, and in response to the Notice dated Jan 17, 2007, and respond thereto. As a precaution, in the event the Office elects to treat this application as abandoned, I petition to revive.

A non-final Action was issued on Sep 26, 2006. I promptly submitted a Response on Oct 01, 2006. After over three months, the Office issued a Notice on Jan 17, 2007, alleging that the “amendments/evidence ... are not written in English.” As I do not write in any other language, and believing the Notice was improper, I immediately contacted SPE Achutamurthy by telephone. After reviewing the Response on PAIR, we noted a discrepancy between my records and PAIR, wherein an exhibit appended to the Response was partly corrupted, introducing extraneous characters and making it not fully comprehensible¹. Achutamurthy asked me to retransmit the garbled exhibit directly to his fax machine (571-272-0934), which I promptly did on Feb 05, 2007, and he assured me that he would void the Notice, and direct the Examiner to consider our Oct 01, 2006 Response as supplemented by our Transmission of Feb 05, 2007. I followed up with Achutamurthy several times by telephone in 2007, and each time he reassured

¹ We did not notice it at the time, but PAIR currently does not include nor index the amendments to the specification and claims portions of the Oct 01, 2006 Response (pages 2-5 of the Response), even though the fax header on the signature page indexed in PAIR indicates that it was the 6th page received in the transmission.

me that our Response would be considered.

On Aug 30, 2007 I received a telephone call from Janice Ford (TC1600 paralegal) asking me if the case was to be abandoned. I told her no, and relayed to her Achutamurthy's assurances, and she said she would follow up with him. I spoke with Achutamurthy again on Sep 09, 2007, and he then asked me to retransmit the entire Response, which I did on Sep 12, 2007 to the central fax number. I spoke again with Achutamurthy on Sep 27, 2007 and Dec 21, 2007 – each time receiving assurances from him that I should not worry, and that he was taking care of it. On Feb 14, 2008 I attempted to again reach Achutamurthy by telephone, and learned from his replacement SPE Nashed that Achutamurthy retired a few days earlier. I explained the history to Nashed, and asked that he confirm the facts with Examiner Ramirez and with Achutamurthy and/or Achutamurthy's PC fax records, and Nashed encouraged me to file this precautionary Petition.

The Office should void the Notice dated Jan 17, 2007 because (1) it was improper – whatever can be said of our Response filed Oct 01, 2006, it was in English, and (2) because SPE Achutamurthy assured me that he would do so, and I relied on his assurances. In the alternative, the Office should afford our Response filed Sep 12, 2007 the filing date of our Transmission made Feb 05, 2007 supplemental to our Response filed Oct 01, 2006 and in response to the Notice dated Jan 17, 2007, and respond thereto, because the Transmission was made in compliance with clear instructions from SPE Achutamurthy.

Unless Applicants are advised that they can not trust repeated and unambiguous verbal instructions and assurances from a SPE, any abandonment of this application was unavoidable, and the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. In addition, any abandonment of this application was unintentional, and the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Please charge any required fees for this petition to our Dep. Acct. No.19-0750 (order B96-021-6).

Respectfully submitted,
SCIENCE & TECHNOLOGY LAW GROUP

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